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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 32

Shopmen's Union Local 790,
Union,
and
Schuff Steel Company,
Employer.

No. 32-RC-141750

**MOTION TO DISMISS
OBJECTIONS**

Employer Schuff Steel Company ("Schuff"), by and through its undersigned counsel, and pursuant to Section 102.65, NLRB Rules and Regulations, hereby moves for an Order dismissing the purported "Objections" of Shopmen's Union Local 790 ("Union"), dated January 14, 2015, for the following reasons.

1. An election, conducted by the NLRB, was held in this matter on January 7, 2015. Three NLRB agents oversaw the election.

2. On January 15, 2015, Schuff received a Certification of Results of Election ("Certification"), under the conformed signature of the Regional Director of Region 32. The Certification attested to the fact that a majority of the valid ballots had not been cast for any labor organization and no labor organization is the exclusive representative of the employees in the bargaining unit. These facts are described in greater detail in the Certification. In fact, the election was not close at all, with the eligible voters rejecting the Union clearly, convincingly, and unmistakably.

1 3. On January 16, 2015, Schuff received a copy of the purported
2 “Objections” from the Union. These “Objections” can only be characterized as generic,
3 skeletal, and nonspecific, defying a response.

4 4. Section 11392.5 of the NLRB’s Representation Case-Handling Manual
5 declares that objections should be “...specific, not conclusionary.” Continuing, this
6 Section of the Representation Case-Handling Manual states “Objections which are
7 nonspecific...are insufficient, should not be treated, and should be dismissed on their
8 face.” (Emphasis added). The NLRB Representation Case-Handling Manual reflects
9 both NLRB law and General Counsel case-handling policies. Though the Manual is not
10 determinative of representation case issues, “...it is expected that the Agency’s
11 Regional Directors and their staffs will follow the Manual’s guidelines in the handling
12 of cases...” See “Purpose of the Manual,” NLRB Representation Case-Handling
13 Manual. Applying these teachings to the Union’s purported “Objections,” it is readily
14 apparent that these boilerplate allegations, totally conclusory in nature, fail to satisfy the
15 standard set by the NLRB’s Representation Case-Handling Manual, and the law and
16 policies reflected therein. Accordingly, the purported “Objections” must not be
17 considered and should be dismissed on their face.

18 5. Especially in view of the above-described Certification already provided
19 to Schuff, and the supportive NLRB authority cited above (see Section 11392.5, NLRB
20 Representation Case-Handling Manual), these purported Union “Objections” should and
21 must be dismissed and the Certification reissue confirming the results of the January 7,
22 2015 election.

23 6. The purported “Objections” are groundless harassment, just as Union
24 Objections to a prior election were found by the NLRB, both Regionally and on appeal,
25 to be baseless.

26 **WHEREFORE**, for the foregoing reasons, Schuff respectfully moves the
27 Regional Director to issue an Order dismissing the Union’s “Objections,” and further
28

1 order the reissuance of the Certification received by Schuff on January 15, 2015,
2 confirming the outcome of the January 7, 2105 election.
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5 RESPECTFULLY SUBMITTED: January 20, 2015

6 SHERMAN & HOWARD L.L.C.

7
8 By

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14 **ORIGINAL** of the foregoing was
15 e-filed with the NLRB on January 20, 2015,
16

17 **COPY** of the foregoing was mailed
18 and e-mailed or faxed this same date to:

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